



12 OCT 2006

Philips Medical Systems  
Philips Intellectual Property & Standards  
P.O. BOX 3003  
22100 Bothell Everett Highway  
Bothell, WA 98041-3003

In re Application of	:	
JONES et al.	:	
Application No.: 10/599,112	:	
PCT No.: PCT/IB05/50927	:	
Int. Filing: 16 March 2005	:	DECISION ON PETITION
Priority Date: 25 March 2004	:	
Attorney Docket No.: US040138US	:	
For: DEFIBRILLATION ELECTRODE	:	
HAVING DRUG DELIVERY	:	
CAPABILITY	:	

This decision is issued in response to applicants' "Petition (under 37 CFR 1.47(a)) when Inventor Refuses to Sign Declaration" filed 20 September 2006 to accept the application without the signature of joint inventor, Janice L. Jones. The requisite \$200 petition fee has been submitted.

### **BACKGROUND**

On 16 March 2005, applicants filed international application PCT/IB05/50927, which claimed a priority date 25 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 October 2005. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 25 September 2006.

On 20 September 2006, applicants filed a request for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and the present petition under 37 CFR 1.47(a).

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1); (2); and (4) have been satisfied.

A review of the present petition reveals that applicants have satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Philippe Renaudin. The steps taken by W. Brinton Yorks are sufficient to show that Janice L. Jones has refused to execute the application.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03)

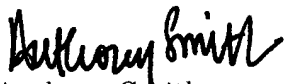
For the above reasons, it would not be appropriate to accept this application without the signature of Janice L. Jones at this time.

### CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith  
Attorney-Advisor  
Office PCT Legal Administration  
Tel.: 571-272-3298  
Facsimile: 571-273-0459